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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,677	08/25/2003	Ashok V. Purandare	QA0259 NP	3788

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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

EXAMINER

BERCH, MARK L

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/648,677

Applicant(s)

PURANDARE, ASHOK V.

Examiner

Mark L. Berch

Art Unit

1624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): All but enablement. See memo.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2, 5 and 6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See memo. Objection to specification remains.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Mark L. Berch
Primary Examiner
Art Unit: 1624

DETAILED ACTION

The amendment filed 1/3/2006 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance.

The compounds are still not enabled, as applicants have not established a single utility for CCR4 antagonists.

Applicants argue that the references show that CCR4 has been "the subject of investigation/consideration, with regard to its potential..." This is true, but that itself does not mean that the compounds are enabled. Many things are investigated, without reaching, as of the date of filing, the state of being enabled. As was noted, the references tended to emphasize how much basic research is still needed. The remarks point to Lloyd, but the conclusion to the Lloyd (2003) references states, "Mouse models have generated vast amounts of data regarding the role of specific chemokines in recruiting leukocytes to the lung after allergen challenge. However, the validity of these data depends on the ability of the model to represent the human disease. Further work is needed to determine how CCR3, CCR4 and CCR8 interact to mediate the recruitment of Th2 cells and eosinophils to the allergic lung. and to confirm these results in human studies." That clearly indicates that substantial and non-routine experimentation lies ahead. Applicants also point to Ruth, but the Ruth reference, which identified 4 receptors, including CCR4 but could only say, "we propose that these receptors and their respective ligands may be suitable targets for the treatment of RA" --- language which clearly indicates that such is only a possibility, not one which has been established. Indeed, other references appear to point more away from CCR4 than toward it. The Krueger, Journal of the American Academy of Dermatology 46(1), Pages 1-23 (2002) reference provides an extensive review

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of potential new biological agents, yet CCR4 gets only the briefest passing notice (first column of page 11), indicating the the skill level in this art is negligible. Still others seem to explicitly downplay the importance of CCR4.

Next, applicants argue “one of skill in the art would recognize that selective CCR4 inhibitors would be useful in the investigation of CCR4 activity in immunological response models.” However:

A. As noted in the interview, the utility relied on has to be one which is taught by the specification; applicants have not pointed out where this is.

B. The specification does not actually say that these compounds are “selective”, let alone what they are selective with regard to.

C. Applicants have not established that their statement is correct. There are already plenty of CCR4 inhibitors, and thus it is not clear that new ones would be of any value. If the current CCR4 inhibitors had some known deficiency which in some way interfered with the ability to study some aspect of CCR4 activity, and the specification taught that these compounds did not have that deficiency, then one might argue that one of ordinary skill in the art would be able to infer that these compounds would be useful for the study purpose, but applicants are far from being able to make such an argument. Instead, applicants point to the Lukacs paper, entitled, “Chemokine Receptors in Asthma: Searching for the Correct Immune Targets”. But in the conclusion section, entitled, “Targeting chemokine receptors for attenuating airway remodeling and mucus overproduction”, the focus is on CCR2. There is not even any mention of CCR4. The Figure 1 scheme on “potential activation pathways” makes no mention again on CCR4. Thus, this reference acts very much against the idea of CCR4 as being enabled as being one of the “correct immune targets” for asthma, or even of active interest. Applicants finally point to and Kawasaki. Both of these, as the remarks note, deal with the use of antibodies in preventing immunological responses. Wakugara was discussed previously. Kawasaki, it must be pointed out, is involved in studying TARC, especially how

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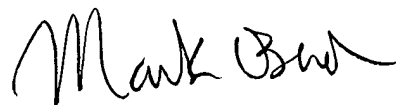
TARC is up-regulated, and the effect of antibodies on its activity. This is a step away from the utility as set forth in this specification. In fact, the specification doesn't even say that these compounds directly regulate TARC (which is a chemoattractant for T-cells).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Berch whose telephone number is 571-272-0663.

The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Mark L. Berch
Primary Examiner
Art Unit 1624**

1/12/06